

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

JEFFREY ROCKEFELLER,

Plaintiff,

v.

DECISION AND ORDER  
13-CV-1159A

SGT. WARNER, ANDREW HOLMAN, N.  
KLIMKO, SUMMERS, CAPT. C. ROBINSON,  
C.O. MATTHEW RODEMACHER, CAPT.  
PAUL CHAPPIOUS, MARK BRADT and  
BRIAN FISCHER,

Defendants.

---

The Court referred this case to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(B). Since May 2016, Judge McCarthy has filed four Reports and Recommendations (R&Rs) (Docket Nos. 34, 35, 42, and 50) addressing a number of motions to dismiss filed by various defendants. Despite being directed to do so by Judge McCarthy, the Plaintiff did not respond to any of the motions to dismiss, nor did he timely object to any of Judge McCarthy's recommendations.

The Court has carefully reviewed each R&R, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED that defendant Rademacher's first motion to dismiss (Docket No. 20) is denied as moot; and it is further

ORDERED that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's July 12, 2016 Report and Recommendation, defendant

Rademacher's second motion to dismiss (Docket No. 36) is granted; and it is further

ORDERED that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's May 18, 2016 Report and Recommendation, the motion to dismiss (Docket No. 28) filed by defendants Robinson, Chapius, Bradt, and Fischer is granted; and it is further

ORDERED that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's September 7, 2016 Report and Recommendation, defendant Chapius' second motion to dismiss (Docket No. 38) is granted.

The case is referred back to Judge McCarthy for further proceedings.

IT IS SO ORDERED.

*Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 26, 2016